

Examiner makes the statement on page 2 of the Office Action regarding claim 8 that Geddes teaches an induction noise system. This is wrong. An induction system is on the air inlet side of an engine; Geddes is on the outlet or exhaust side. This distinction is related to why one of ordinary skill in the art would not combine the references.

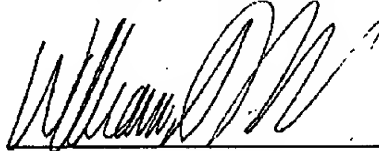
More specifically, Geddes teaches of an exhaust system using an active noise cancellation system sensing actual noise. In contrast, Brackett is directed to an induction system having a passive noise cancellation that relies upon engine speed to predict noise cancellation. Specifically, Geddes is concerned with reducing the sound level of the exhaust gases flowing through the exhaust conduit. Prior art methods have used baffles which inhibit the flow of gases through the system thereby inhibiting the economy and performance of the vehicle as set forth in column 1, lines 21-37. Also, Geddes utilizes an active noise cancellation system by detecting the actual noise in the system and producing a sound wave to cancel the noise sensed. Brackett does not deal with noise cancellation in an exhaust system whatsoever, nor does Brackett address the concerns in the prior art discussed in Geddes of minimizing the obstructions in the exhaust system or any other passages to reduce noise. Accordingly, there is no suggestion or motivation to one of ordinary skill in the art to modify Geddes to provide the missing limitations.

With respect to the Examiner's second argument, as discussed in the previous paragraph taking the teachings of the references as a whole would not motivate one of ordinary skill in the art to modify Geddes with Brackett. The systems of Geddes and bracket are incompatible and are concerned with different problems. The Examiner cannot "save" his rejection by simply arguing that the references are generally in the same field and then pick and choose the elements missing from the base reference. All engine noise attenuation devices are for improving torque. The Examiner cannot possibly be arguing that he can therefore combine any reference from that art without being accountable for their teachings in the context of the problems being solved.

With respect to claims 9, 10, and 15, the Examiner cannot sustain the rejection on appeal for the reasons discussed in the prior Response. The Examiner's rejection must be withdrawn at least with respect to these claims.

It is believed that this application is in condition for allowance. If any fees or extension of times are required, please charge to Deposit Account No. 50-1482.

Respectfully submitted,  
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